Yukon Ombudsman 2008 Annual Report

Message from the Ombudsman

Since I became Ombudsman in May 2007, I am often asked two questions: "What is the Ombudsman?" and "Why aren't you called the Ombudswoman?"

These questions provide an opportunity to discuss the role of the Office of the Yukon Ombudsman and to offer a short checklist of requirements that would help our office do the best possible job for Yukoners.

I'll deal with the second question first. It highlights the increased awareness in our society of gender issues, but in this case, the word Ombudsman is not gender-specific. The concept of the Ombudsman was invented in Sweden almost 200 years ago, and the term Ombudsman comes from the Swedish language, meaning "protector of the people". There is no clearer or simpler way to express the core goal of this office.

The first question indicates that there is still a great need for public education about the role and importance of the Ombudsman, not just in the Yukon, but in many other jurisdictions as well. The concept is not widely understood anywhere.

One of the ways in which my office tries to inform Yukoners about our work is through this report. We are making it widely available and will promptly respond to any requests for additional copies. The report uses a format and language that we hope makes it readable and accessible for all. Our work is challenging and interesting, and this report should reflect that. Some sections of the report summarize our activities throughout the year and the results achieved. Others provide general descriptions of how our office operates. We also work to provide this type of information all year long through our community outreach efforts, described elsewhere in this report.

What we need ... to meet your needs

In thinking of these two frequently asked questions, I decided to pose one of my own. What does the Office of the Yukon Ombudsman need to be most effective and to provide the best service possible to Yukoners? In my view, success in my work requires three things: public awareness, proper resources that show respect for the oversight role of the Ombudsman, and a government prepared to show leadership by cooperating, listening and sometimes accepting change.

Public Awareness

In order for Yukoners to bring their concerns to this office, they must first know what we do and why we are here. All our communications and appearances are designed to raise public awareness of the role and service provided by the Ombudsman. Making this office known to all Yukoners through public reports, education materials, media releases and a user-friendly website continues to be a priority.

One of our key communications messages focuses on what exactly we are looking for when we investigate a complaint. The Ombudsman is an independent and impartial investigator of "things gone wrong". Much of our work involves determining facts and investigating law, regulation or policy to see if government has been consistent in making a decision or taking an action, and if it has provided appropriate reasons and explanations. That said, our real measuring stick is "fairness". A law, regulation or policy can be consistently applied but may still result in someone being treated unfairly. For government, it is often this type of situation that is most problematic.

Governments prefer certainty and, at one level, certainty can be defined as the predictable application of rules, and nothing more. However, this "black and white" approach can sometimes result in unfairness, because not everyone fits easily into a predictable set of rules. It is my job to look beyond the simple applications of laws and regulations. My office also considers the resulting effects on people, points out any "grey" areas and suggests how unfairness can be remedied, either for one complainant or for the public at large.

Respect and Resources

My effectiveness as the Ombudsman is dependent on earning the confidence of the public and government officials. This confidence will come with greater public awareness and with the degree to which we model what we recommend to government: listen carefully, respond clearly and give reasons and explanations for decisions.

In order to strengthen government confidence and respect for this office, I repeatedly remind government officials that we knock on their doors with only the most serious of matters. My office has jurisdictional limits and a rigourous evaluation process. It is only after these have been considered that we investigate a complaint. Because of this, when we do investigate a complaint, we expect full cooperation and timely assistance. It is important for government to understand that our intent is not to interrupt daily operations or to find fault. We are there to help improve the administration of government service to Yukoners and to resolve issues for complainants.

Ultimately, public and government confidence in the Ombudsman will be earned by providing fair, impartial and independent assessment of complaints. In order to be relevant and more effective, my office must reduce the time it takes to complete investigations of complaints. The Yukon Ombudsman is also the Information and Privacy Commissioner and as such is responsible for oversight and operation of the *Ombudsman Act* and the *Access to Information and Protection of Privacy (ATIPP) Act*. The two positions, which carry distinct and separate responsibilities, are currently authorized by the government to be done together as one half-time position. As a result, in reality, the Yukon has an Ombudsman for one-quarter time and an Information and Privacy Commissioner for one-quarter time.

In 1996, the Yukon government was committed and innovative when it implemented the Office of the Ombudsman and the Information and Privacy Commissioner. However, since 1996, the workload has steadily increased. On average, we receive more than 80 Ombudsman complaints per year, with more matters proceeding to investigation than ever before. ATIPP reviews and complaints are in excess of 30 per year, with many going to formal inquiry or investigation. Moreover, this is only a small part of the work we do. We provide Yukoners with information, direction and assistance, even though their matters may not result in a formal complaint, investigation or inquiry. This growing demand must be met with adequate resources.

I have taken every opportunity to urge the government through the Member Services Board to increase the Ombudsman and Information and Privacy Commissioner position to full-time, so that this office has the capacity and tools to achieve its legislated objectives and to properly serve the people of the Yukon.

At the end of 2008, my most recent request is still under consideration.

Leadership

The Ombudsman does not have the authority to direct a department or agency to change. Mine is the power of moral persuasion. The resolution of a complaint or an amendment to government policy or practice is dependent on a government that is open and willing to listen and be accountable. Executive leadership in government is critical to our effectiveness. Management attitudes regarding openness and cooperation trickle down and affect every aspect of our work. I am pleased to report that for the most part, my investigations and recommendations are well received. However, I have had to wait entirely too long for government responses to my information requests, reports to departments and recommendations. It has been necessary for me to write to various departments asking whether or not my correspondence will be answered. While I fully appreciate the day-to-day workload of government, it is my expectation that serious matters raised by my office on behalf of Yukoners will be given prompt attention.

The Office of the Ombudsman is a place of last resort for people who feel they have not been treated fairly. This means that by the time they get to us, they are often feeling frustrated and defeated. In all likelihood, many other Yukoners never come to us at all, for those very reasons. Part of my job is to remind government officials that their actions have very real consequences for individuals and can affect people's lives significantly. When a resolution can be found by working together, it brings a great sense of satisfaction for the complainant and the department involved.

Office of the
Yukon Ombudsman &
Information and Privacy
Commissioner

Our Mission

To provide an independent, impartial means by which public complaints concerning the Government of Yukon can be heard and investigated with the goal of promoting fairness, openness and accountability in public administration.

Protecting the Public Interest

This year saw four requests for comments on legislation, from the perspectives of both Ombudsman and Information and Privacy Commissioner (*Corrections Act*, *Child and Youth Advocate Act*, *Access to Information and Protection of Privacy Act* and *Mandatory Testing and Disclosure Act*). This opportunity to review and comment on proposed legislation or programs is vital. Our perspective is unique and is always made in the public interest. Careful consideration was given to the proposed amendments or new laws, and detailed written submissions were provided to the government in each case. My comments were well received and some important changes were made to those laws, as a result of recommendations from this office.

In addition, during 2008, I have continued with the work of completing outstanding investigations and with the development of office procedures to improve our service and to document our body of work, decisions and recommendations.

Thank You

It is my honour and privilege to offer the people of the Yukon this 13th Annual Report of the Yukon Ombudsman. It has been sent to the Honourable Ted Staffen, Speaker of the Yukon Legislative Assembly, who will present it to the Assembly as required by the *Ombudsman Act*.

The Office of the Ombudsman is made up of a small group of dedicated women who produce exceptional work on a daily basis. They operate in a demanding environment, with a challenging workload. Their commitment to the role of this office and to serving the public is unyielding. I thank each of them for their patience, sense of humour and endless support.

Taking complaints, investigating concerns and resolving conflict is difficult work and requires a balanced and cooperative approach. We do not accomplish this alone. I offer our thanks to individuals and departments that recognize our common goals and help us work toward them.

Tracy-Anne McPhee
Ombudsman
Information and Privacy Commissioner

L–R: Susan, Alice, Catherine, Tracy

Our Team

Tracy-Anne McPhee
Ombudsman
Information and Privacy Commissioner

Catherine Buckler Lyon
Senior Investigator/Mediator

Susan Dennehy
Investigator/Mediator
Legal Counsel

Alice Purser
Executive Assistant

Community Outreach

The Office of the Ombudsman is a service available to all Yukoners. We strive throughout the year to publicize our work to ensure Yukoners are aware of the services that are available to them from our office.

This year, we held a number of public information sessions about our work and services. We generated a number of news releases to disseminate information to the public through the media. We also created a new brochure, containing general information about our office, and a smaller info card, with information for young Yukoners.

In March, we participated in the Administration of Justice Administrative Tribunal Workshop for Yukon self-governing First Nations, hosted by the Champagne and Aishihik First Nations. We provided a Power Point presentation, outlining the role and function of the Ombudsman.

In November, we issued a news release to publicize the tabling of the 2007 Annual Reports of the Ombudsman and the Information and Privacy Commissioner. The goal of the reports are to "inform, educate and illustrate the nature of the work we do and the results achieved." The 2007 reports were presented in a new reader-friendly format and distributed to help introduce our office to communities and corners of the Yukon where we may not be well known.

What is the Yukon Ombudsman?

The Yukon Ombudsman is an impartial investigator who takes complaints of unfairness in territorial government services. The Ombudsman is an officer of the Legislative Assembly but is independent of government and political parties. The Ombudsman is neither an advocate for a complainant nor a defender of government actions.

What we can investigate

The Ombudsman can investigate:

- Yukon government departments
- crown corporations & independent authorities or boards
- public schools
- Yukon College
- hospitals
- professional and occupational governing bodies
- municipalities and Yukon First Nations (at their request only)

The Ombudsman cannot investigate:

- disputes between individuals
- the federal government
- the courts, Yukon Legislature, Yukon Elections Office, or lawyers acting on behalf of government
- the RCMP
- landlord/tenant matters
- home or auto insurance
- banks
- businesses
- matters which took place before the *Ombudsman Act* became law (1996)

Not all complaints get investigated. Each complaint is unique and we try to assist in finding the best resolution. We may conduct an investigation or we may instead suggest other ways to solve your problem.

All services of the Office of the Ombudsman are free and confidential.

What happens when you ask us for help?

When a complaint comes to us, it follows a process that includes determination of jurisdiction, preliminary inquiries and research, analysis, possible investigation and resolution. Here is a brief description of how our process works.

Step 1 — Is this the type of complaint we can take?

We will listen to your complaint and ask questions to determine if our office is the best place to deal with it. The Yukon *Ombudsman Act* sets out the types of complaints that we can take. If the *Act* does not apply to your complaint, we will talk to you about other options.

Step 2 — Is the complaint ready for us?

We will ask what steps you have already taken to resolve your complaint. We will want to know things such as:

- Did you ask the government office to give you reasons for the decision?
- Was there an appeal process? If so, did you try it?
- Did you attempt to resolve your matter with the management of the department?

If you have not tried some of these options, we'll ask you to do so, before we take your complaint. The Office of the Ombudsman is a place of last resort. You must first try any internal government processes that are available to resolve your matter, before coming to us.

Step 3 — What information do you have?

We will ask you for all the details about what happened. We may ask you to write down your story and give us copies of any documents you have about your complaint.

Step 4 — How do we deal with the complaint impartially?

We will look at your information and will also ask the government for information so that we can determine how best to deal with your complaint. We will try to resolve your complaint informally.

Step 5 — If your complaint is not resolved, what's next?

If your complaint can't be resolved informally, we may investigate. Sometimes things can be resolved through discussion with the department during the investigation process. After investigation, if your complaint is substantiated, the Ombudsman can make recommendations to the department.

A Yukon Child and Youth Advocate

In November 2008, Minister Glenn Hart sought comments from the Yukon Ombudsman on the Child and Youth Advocate model being proposed by the department of Health and Social Services in a public discussion paper.

The government proposes a "made-in-Yukon model" for the creation of a Child and Youth Advocate. My comments on this proposal related to the role of the Ombudsman, as well as the application of the *Access to Information and Protection of Privacy Act*. I did not comment on the principles, scope or functions of the proposed Child and Youth Advocate, as that is a political decision within the mandate of the government.

My general recommendations were:

- that the creation of a Child and Youth Advocate not change the mandate, role and responsibility of the Ombudsman in relation to children, youth and their families seeking or receiving government services; and
- that the Advocate's access to information be governed by the *ATIPP Act*. Any departure from that law should be made only where it is absolutely necessary to carry out the Advocate's mandate. This should be expressly set out in the new legislation.

The establishment of a new legislative officer to advocate on behalf of children is a positive step and should enhance the current system of oversight and quality assurance for children, youth and families provided by the Ombudsman.

My comments are available on our website at www.ombudsman.yk.ca.

Recommendations from the Ombudsman

This year, the Office of the Yukon Ombudsman made a variety of recommendations to various departments, following investigations. In order to demonstrate the nature and scope of recommendations that typically come from this office, we have created a list of some recommendations made in 2008:

- Provide meaningful reasons for decisions. Reasons should include sufficient information so the person affected knows the facts considered and the specific legislation, policy or directives relied upon in making the decision.
- When advising someone of a decision, include information about any right of review or appeal of that decision.
- Provide debtors with regular and accurate updates of the status of their loans, including the name and phone number of an employee who can answer any questions or concerns.
- Develop a comprehensive written policy, setting out the criteria and process for determining when rural residential land applications will be grouped together for a decision.
- When relying on policy in making a decision, ensure that those policies are available to the public.
- Develop materials and provide training to ensure that members of the public receive consistent information about the land application process.
- Develop policy setting out the criteria and process for the selection of a high school class valedictorian.
- Develop strategies for ensuring that all property owners involved in a Rural Electrification and Telecommunications Program (RETP) project are provided with timely and sufficient information about the route and cost of the project, before they are required to vote on it.
- Ensure that property owners receive a map showing the power line route in relation to all properties included in a Rural Electrification and Telecommunications Program (RETP) project area.
- Cover the cost of extending the primary power line to the lot line of a property owner who was treated unfairly.
- Develop a protocol to ensure that capable non-insured persons are fully aware of costs and their personal liability before agreeing to a medical evacuation.
- Provide an apology to a complainant who was treated unfairly.

The Yukon Ombudsman in Action — Reality Check

Often the best way to describe something is to give examples. We've collected four stories that illustrate the work we've done in 2008 and the results we can achieve. Because our services are confidential, we've changed the names of the individuals involved.

Communicate, Communicate, Communicate

Whitehorse Correctional Centre (WCC)

Gerry, an inmate at Whitehorse Correctional Centre, was about to be transferred to another institution outside of the Yukon. Because of this, he was anxious to have visits with his partner and was upset because he was not getting the type of visits he felt he was entitled to. WCC offers inmates two types of visits. In an "open" visit, the inmate and visitor are together in a special meeting room at the jail. In a "closed" or "over glass" visit, a partition separates the inmate and visitor.

Gerry had already been having "closed" visits with his partner. However, he believed he also had a right to an "open" visit because of his upcoming transfer and he made a number of requests for this type of visit. His belief was based on his previous experience and on what he understood the Corrections Officers (guards) said in response to his requests.

After making multiple requests, all of which were denied, Gerry complained to us that the decision was unfair. We reviewed WCC's policy on visits. We found that Gerry was mistaken in his belief that he "had a right" to an open visit. A decision about a visit for an inmate being transferred to another institution is a discretionary decision made by the Superintendent of WCC. The decision is based on an assessment of the security risks for the visitor and staff. The investigation revealed that the Superintendent had taken safety issues into account and decided against an open visit.

Outcome: Our office found that the decision to refuse Gerry an open visit was not unfair and the complaint was therefore not substantiated.

However, our work also revealed that the communication between Gerry and staff members at WCC about their decision-making was not clear or consistent and that this contributed to his belief that he had a right to an open visit.

Our office is interested in ensuring that inmates are given complete and accurate information in response to requests for such things as visits. In this case, if staff responses to Gerry had included complete and accurate information about the process for considering his request, the situation may not have escalated to the point that it came to our office.

Because of this, we provided WCC with a letter suggesting ways to improve its communications in this and potentially other similar cases in the future.

We suggested that the response to Gerry's first request should have clearly set out the following information:

- Reference to the policy on visits and a statement describing how the policy operates;
- The name and position of the person who made the decision;
- The criteria that were taken into account in making the decision;
- Any conditions that had to be met before the decision-maker would consider the request (this could include such things as the need to have visitors approved or have a firm date set for transfer);
- The time frame in which a decision would be made.

One Loan Lost in the Shuffle

Finance

Henri is a Yukon entrepreneur who applied for and received an Industry Canada loan for his small business. Although it was a federal loan, it was administered through the Yukon government. By the year 1998, most of Henri's loan had been repaid, except for $900. In 2002, Henri's loan ended up on a list with a number of other outstanding loans, which together totaled $2.1 million. Because these loans had not been paid, they were transferred from Economic Development to the department of Finance on April 1, 2002, for collection. The government's decision to collect this group of loans was reported widely in the media, partly due to the fact that several high-profile loan recipients were included in the group.

Henri wished to resolve the matter quickly and wrote to Finance, requesting that his outstanding amount of $900 be forgiven. He received a letter of replay stating "Forgiveness of this debt owing by you is not a consideration at this time." However, no reasons were given.

Henri continued to doggedly seek out information about his loan throughout 2003 and 2004. He read media reports about government decisions on this group of loans. He wrote the department, emailed, visited and talked to numerous people within the department. However, he was unsuccessful in obtaining any detailed information about his loan and brought his case to our office in mid-2004.

Shortly after that, Henri complied with a department request that he sign a restructuring agreement on his loan. Later, it turned out that his loan, like a few other outstanding Industry Canada loans, was being transferred back to the federal government for collection.

Our investigation found a number of problems with the way Henri's case had been handled. First of all, the department of Finance had failed to adhere to the Yukon government's own collection policy, which states that collection should be prompt and vigourous. The handling of Henri's case was certainly not prompt; eight years elapsed between the date of his last payment until his loan was transferred back to industry Canada for collection in 2006.

We also found that the department had not met the standard of care necessary for an entrepreneur who was clearly reliant solely on the department for timely and accurate information about his outstanding loan. Despite Henri's persistent pursuit of information, long periods of time went by with no clarification about his loan. The department appeared to be relying on a series of news releases issued about the group of loans, but this was not a substitute for direct communication, especially since the handling of Henri's loan was somewhat unique.

Finally, we commented that the department must give adequate reasons for its decisions.

Outcome: The department of Finance readily acknowledged that these problems had occurred and assured us that it had implemented better decision-making and communication practices with respect to loan collection procedures.

Informed Consent Means Just That

Yukon Hospital Corporation (YHC) and Health and Social Services (H&SS)

Robert, a new resident of the Yukon, fell ill about three months after moving here. He was taken to Whitehorse General Hospital, but a complete diagnosis was not possible there. Robert agreed to a medical evacuation (medevac) to a hospital in British Columbia where the diagnostic work was completed. Upon his return to the Yukon, he received a bill from H&SS for the cost of the ambulance and medevac amounting to more than $15,000. Robert was surprised and shocked to receive such a large bill. He wrote a letter to the department outlining the situation and asking about the bill, which he believed must be a mistake. The department confirmed that he must pay the amount on the bill. At this point, Robert brought the issue to our office.

The Yukon Health Care Insurance Plan stipulates that people moving to the Yukon must wait three months before the Yukon government covers their health care expenses. Robert was two days short of being eligible for health care coverage in the Yukon when he became ill.

Our investigation found that Robert had spoken with a physician, two nurses and a hospital administrative person about medevac costs. Robert maintained that when he explained that he had no money to pay for a medevac, he was told not to worry about it and that it would be worked out. Robert said he agreed to the medevac relying on this assurance that he would not be liable for the cost.

The physician and hospital staff told our office that their practice is to make clear to patients with non-resident status that they will need to cover the costs of medical evacuation. However, no one was able to recall precisely the nature of the conversations with Robert and no notes had been made about these conversations by anyone at the hospital. One staff member suggested to us that it is "common knowledge" that individuals not covered by the Yukon Health Care Insurance Plan must pay these costs themselves.

We only found one record confirming that a conversation had taken place about Robert's potential liability for the cost. This conversation was with the Emergency Medical Services staff person who accompanied him on the medevac flight. It came well after his decision to go on the flight and after arrangements had been made to medevac him.

Our investigation discovered that there were no written guidelines on these matters for hospital staff, no written public information materials for hospital patients, and no consent or acknowledgement-of-liability forms used for capable non-insured patients who require medical evacuations.

In many cases that our office takes on, we seek outside expertise that can provide information on best practices in the relevant field. In this case, we considered information published in the Canadian Medical Association Journal:

"The clinician's goal is to disclose information that a reasonable person in the patient's position would need in order to make an informed decision. Therefore, clinicians may need to consider how the proposed treatment (and other options) might affect the patient's employment, ***finances***, family life and other personal concerns." *[Emphasis added]*

Authorities have a responsibility to provide the best information possible. When a patient expresses concern about the cost, the result should be full, frank and accurate answers from the physician and/or hospital staff. Care must be taken to avoid omissions or inaccuracies in the information, particularly when a patient is relying on it to make a decision.

Outcome: This investigation dealt with two different authorities, the Yukon Hospital Corporation and the department of Health and Social Services. In regard to the portion of the investigation involving H&SS, no resolution had been reached by the end of 2008.

We did complete our investigation in regard to the actions of YHC. Our conclusion was that the standard of care owed to Robert — a duty to provide accurate information about his liability for costs — had not been fully exercised. As a result of our investigation, the Yukon Hospital Corporation agreed to develop a comprehensive policy and guide for staff dealing with capable non-insured patients who require medical evacuations.

The Power of Information

Community Services (CS)

Anthony was in the process of purchasing a rural property in an area of the Yukon where the properties did not receive power from the territory's power grid. While his purchase arrangements were being concluded, other nearby rural property owners had begun planning the extension of the primary power line to their area through the Rural Electrification and Telecommunications Program (RETP). In designing and costing the project, the property owners agreed to build the primary power line so that it ran along the edge of each property. Although this added to the initial cost of building the power line, the owners felt it benefited them because the primary cost of bringing the power line to the edges of their individual properties was shared equally amongst all of them. The secondary cost, to run the power line onto their property to their home or other buildings, was their own responsibility.

Under the RETP, the only ones eligible to participate in project planning are individuals who own property in the area, as well as the Yukon Energy Corporation and the Yukon government. Because Anthony's purchase was not yet final, he was not able to take part in this planning process.

Anthony concluded his purchase and was included in the project just prior to the final vote. Prior to voting, he considered the written RETP policy and guidelines, and the minutes of the planning meeting held between the property owners and Yukon Energy. These minutes recorded the property owners' agreement that the line would be designed to run to the edge of each property. This arrangement sounded good to Anthony and he cast his vote in favour of the project.

Subsequently, Anthony received an estimate of the cost to bring the power line to his house. He then discovered that the primary line did not extend to his property after all and, in fact, was some distance from it. He learned that his property had not been considered in the original design of the power line. He would have to pay the cost of bringing the primary power line from the last pole to his property, in addition to the cost of bringing the power line onto his property to his house. This added an extra $4000 to his costs.

Anthony didn't think this was fair. Although his share of the cost of the primary power line was the same as every other property owner in the area, he wasn't getting the same benefit. In addition, with his inclusion in the project, his share of the expenses served to reduce costs for the other property owners. Moreover, there was nothing in the information provided to him by the department prior to the vote that would have alerted him to the fact that the project would affect him differently than the other property owners involved.

Anthony tried approaching the department and the Yukon Energy Corporation with his problem, but was unable to resolve it. He then brought the issue to us.

We investigated and, in our view, once Anthony had finalized his property purchase, the department had the same obligation to him as it did to every other property owner in the project area. The department was responsible for ensuring that all property owners had sufficient and accurate information and assistance to allow them to make informed decisions on the proposed project. This included Anthony, even though he came into the project later than the others.

From an Ombudsman's perspective, government agencies have a responsibility to provide the best information possible when a person will be relying on the information to make a decision. This means they must take reasonable steps to avoid omissions in the information provided.

Outcome: Our conclusion in this case is that it was not fair for Anthony to bear the additional costs of the project in these particular circumstances. The Department of Community Services accepted our recommendation to cover the cost of extending the primary power line to the edge of Anthony's property.

In addition, we recommended that changes be made to the RETP package sent to property owners to ensure adequate information is provided. We also recommended that strategies be developed to ensure that property owners who join a project after planning has begun, are provided with sufficient information about the route of the power line in relation to each property, overall costs and costs to the individual.

The department accepted these recommendations.

Statistical Summary — Ombudsman Services

Every year we are contacted by hundreds of Yukoners. They may be seeking information, asking for help or direction with a concern, or making a complaint. Even though many of the complaints or issues are outside our jurisdiction, we try to help. We often spend time directing citizens to the right place or making inquiries on their behalf to ensure that they are on the right track. This work can take only a few minutes or can keep us busy for several hours. We make a point of carrying out this work because in many cases, people are nearing the end of their patience by the time they get to us, and the last thing they need is to be told yet again that they are in the wrong place.

In 2008, we received 88 complaints. Of those, 63 were within our jurisdiction and 25 were not. We provided information to another 63 people or suggested where they could get assistance if we were unable to help.

Complaints handled in 2008

Brought forward from 2007		36
complaints being investigated	33	
not yet analyzed	3	
Received in 2008		63
Total		**99**
Completed in 2008		46
Carried over to 2009		53
complaints being investigated	37	
not yet analyzed	16	

Resolution of complaints received in 2008

Opened as investigation	15
Referred to another remedy	9
Further investigation not necessary	3
Insufficient information provided	2
Prior to July 1, 1996	1
Legislated appeal exists	4
No benefit to complainant	2
Otherwise resolved	12
Not yet analyzed	15
Total	**63**

Complaints investigated in 2008

Brought forward from 2007	33
Opened in 2008	15
Total	**48**
Completed in 2008	11
Carried over to 2009	37

Outcome of investigations completed in 2008

Substantiated		8
Resolved when authority informed of complaint	1	
Settled during or after investigation	7	
Not substantiated		2
Discontinued		1
Total		**11**

Non-jurisdictional complaints received in 2008

Businesses	9
CPP, UIC & Revenue Canada	3
Courts	1
Federal	4
First Nations	1
Municipalities	2
Other	2
Other Provinces	1
RCMP	2
Total	**25**

These complaints often require time to research before being referred to other agencies for assistance.

Complaints Received in 2008 — by Authority

Authority	Opened as Investigation	Not Opened as Investigation	Not Analyzed	Total
Community Services		2		2
Driver Control Board		1		1
Energy, Mines & Resources		3		3
Health and Social Services		4		4
Highways and Public Works	2			2
Whitehorse Correctional Centre	12	19	15	46
Whitehorse Housing Authority		1		1
Yukon Housing	1			1
Yukon Liquor Corporation		1		1
Yukon Municipal Board		1		1
Yukon Workers' Compensation Health & Safety Board		1		1
Total	**15**	**33**	**15**	**63**

Ombudsman Requests for Information

Total	**63**

Requests for information often require time to research.

2008–2009 Budget Summary

The budget for the operations of the Office of the Ombudsman and the Information and Privacy Commissioner is submitted annually to the Members' Services Board for review before being approved by the Legislative Assembly. The budget summary below covers both functions of the office for the period from April 1, 2008 to March 31, 2009.

The 2008–2009 budget remained relatively unchanged from the previous year.

Category	Expenditures
Personnel	$ 394,300
Office and Operations	$ 114,400
Supplies and Services	$ 6,600
Capital Items	$ 5,000
Total	**$ 520,300**

Accolades

It isn't always easy to do the right thing. It isn't always convenient to go the extra mile. But it is always appreciated by people who receive an explanation, get answers to their questions or encounter someone who really listens to their concern and treats them fairly.

Such treatment can be unexpected. Often, dealing with government causes anxiety for citizens, who have the expectation that there will be "red tape" or that the experience will be difficult or disappointing.

There are many government employees who try to do their best every day in serving the Yukon public. We want to extend our thanks to several people who made a difference in 2008:

Kelly Eby
Director
Property Assessment and Taxation Branch, Community Services

and

Clare Robson
Assessment Technician
Property Assessment and Taxation Branch, Community Services

for their cooperation and persistence in finding a resolution to a matter investigated by our office.

Out and about — where we've been in 2008

June

- Annual General Meeting of the Canadian Council of Parliamentary Ombudsman (CCPO) — St. John's, Newfoundland and Labrador

  At this event, hosted by the Office of the Citizens' Representative of Newfoundland and Labrador, discussions were held on current issues facing Canadian Ombudsman across the country.

September

- Working Behind Prison Walls — Winnipeg, Manitoba

  This event provided training for Ombudsman and their staff in the field of corrections, and was hosted by the Forum of Canadian Ombudsman.

- Sharpening Your Teeth Investigators' Course — Toronto, Ontario

  This training course, which focused on how to conduct systemic investigations, was hosted by the Ontario Ombudsman.

Contact Us

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